



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Benco et al.
TITLE : METHOD FOR RF DEAD ZONE
DATA COLLECTION USING MOBILE
STATION
APPLICATION NO. : 10/623,627
FILED : July 21, 2003
CONFIRMATION NO. : 5178
EXAMINER : Doan, Phuoc Huu
ART UNIT : 2687
LAST OFFICE ACTION : December 21, 2005
ATTORNEY DOCKET NO. : LUTZ 2 00216

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **December 21, 2005** finally rejecting claims 1-18.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

other than a small entity \$500.00

3. EXTENSION OF TERM

Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a _____-month extension of time up to and including _____ in which to file the accompanying Notice of Appeal. Payment for the filing of this

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which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

4. TOTAL FEES DUE

The total fee due is:

| | |
|------------------------|----------|
| Notice of Appeal Fee: | \$500.00 |
| Extension of Time Fee: | \$.00 |

5. METHOD OF PAYMENT

The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

2/3/06

Date

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CERTIFICATE OF MAILING

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.

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|-------------------------|--------------------------------------|----------------------------------|
| Express Mail Label No.: | <u>Kristi A. Murphy</u> Signature | |
| February 3, 2006 | Date | Printed Name Kristi A. Murphy |